

REMARKS

This resubmitted response is an attempt to address the issues in the notice of non-compliant amendment, as understood by Applicant's attorney.

Claims 2-8, 15-18, 20-27, 29, and 31-47 were in the application. Claims 2-8, 15-18, 29 and 31-46 were allowed. Claims 20-27 and 47-48 were rejected based on Bacus in view of Stumm or Arai. Informalities were noted in claims 15 and 35.

Applicant appreciates the careful review of the claims conducted by the Examiner. In response to the objections noted with respect to claims 15 and 35, Applicant has amended these claims to correct these informalities.

With respect to rejected claims 20-27 and 47-48, while Applicant respectfully traverses these rejections, Applicant has chosen to amend certain of these claims in order to amplify and clarify distinguishing features of these claims from the cited references.

Before addressing the invention defined in the subject claims, Applicant discusses the prior art cited by the Examiner, as Applicant respectfully disagrees with certain of the Examiner's statements regarding these prior art references.

The primary reference cited against the subject claims is Bacus. Bacus, however, does not relate to a spectral measurement device or spectral measurements or remote production of articles of a desired color at a location remote from where spectral measurements were taken. Bacus relates to remote, electronic control of a computer-controlled microscope. In Bacus, the goal is to generate images of tissue specimens or the like so that a remote pathologist or similar person can view the images in a desired manner such as for medical diagnosis. Applicant disagrees that an optical microscope-type instrument such as disclosed in Bacus in any way constitutes a spectral measurement device as such is used in Applicant's claims. As Applicant reads Bacus, one of skill in the spectral/color measurement field would not discern any teaching in Bacus that is directed to spectral measurement. Thus, Applicant disagrees that Bacus teaches "operating [a] spectral measurement system" or that Bacus is "within the art of spectral analysis."

Similarly, Stumm relates to a method for operating a server system adapted to

provide information files to a plurality of subscribers over a communications network. Applicant does not believe that Stumm in any way relates to spectral measurement devices or remote operation/control of such systems or the remote production of articles of a desired color at a location remote from where spectral measurements were taken.

Arai relates to techniques for estimating a spectral reflectance distribution or a spectral transmittance distribution using illuminant or device independent characteristic parameters. Arai is not directed towards remote operation/control of spectral measurement devices or the remote production of articles of a desired color at a location remote from where spectral measurements were taken, and in any event is in a field unrelated to those of Bacus and Stumm.

Applicant's invention as defined in claims 20-27, particularly as clarified with the amendments herein, is readily distinguishable from the cited references, whether considered alone or in combination. The invention of claims 20-27 relates to periodic and remote storing of operational data by a remote system at a second location, wherein the operational data is for a spectral measurement system – i.e., a system that takes spectral measurements at a first location remote from the second location. The operation data includes normalization or calibration data generated by the at least first system, and the normalization or calibration data stored in the system at the second location is indicative of a qualitative capability of the first system to make spectral measurements. Thus, in accordance with Applicant's invention as defined in these claims, for example, a remote system at the second location can analyze and assess the quality of the spectral measurements that can be made by the first system at the first location.

Such invention is neither disclosed in nor suggested by the cited references. Bacus does not relate to spectral measurement devices at all, and even more particularly does not relate to the problem of remotely assessing spectral measurement capabilities of a remote spectral measurement device. Stumm is even farther removed from the field of Applicant's invention, and in any event does not provide what Bacus is lacking. The rejection of claims 20-27 should be withdrawn, and these claims should be allowed.

With respect to claims 47 and 48, Applicant submits that these claims were previously allowable, as none of the cited references pertain to the remote production of articles of a desired color at a location remote from where spectral measurements were taken. Nonetheless, in an effort to expedite prosecution, Applicant has amended claim 47 to recite "wherein the spectral measurement data received at the second location is used at least in part in a manufacturing operation for producing the one or more articles, and wherein the first system at the first location is operationally controlled at least in part based on operational commands transmitted from a location remote from the first location." Claims 47-48 pertain to remote control of a spectral measurement-type system, and the use of such remotely generated spectral measurement data in a manufacturing process for producing articles of a desired color, where the first system at the first location is operationally controlled at least in part based on operational commands transmitted from a location remote from the first location. Such aspects are neither disclosed in nor suggested by the cited references.

Accordingly, Applicant submits that the rejection of claim 47 and 48 should be withdrawn, and these claims also allowed.

No new matter has been added. If there are any further questions regarding this application, Applicant's Attorney requests an opportunity to discuss such matters with the Examiner by way of a telephone interview or in-person interview. In particular, in view of the long prosecution history of this application, Applicant requests an interview to address any outstanding matters in an effort to put this case in condition for allowance.

Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



Alan R. Loudermilk

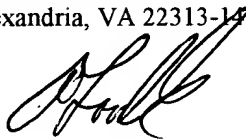
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I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

A handwritten signature in black ink, appearing to be "Shank", is written over the text of the certification statement.